

EO-808



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

February 28, 2008

Eric M. Hocky
Thorp Reed & Armstrong, LLP
2005 Market Street
Suite 1910
Philadelphia, PA 19103

Re: Finance Docket No. 35061, Liberty County Rural Rail Transportation
District No. 1 – Construction and Operation Exemption – in Liberty
County, Texas; Waiver of Six-Month Prefiling Notice

Dear Mr. Hocky:

Thank you for your February 8, 2008 letter regarding the proposed construction and operation of the Liberty County Rural Rail Transportation District No. 1 (applicant) in Liberty County, Texas. In your letter, you request a waiver of the six month prefiling notice generally required for construction projects under 49 CFR 1105.10(a)(1).

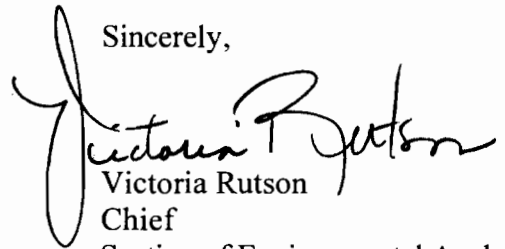
On June 28, 2007, the Surface Transportation Board's Section of Environmental Analysis (SEA) met with the applicant regarding the proposed construction and operation of approximately 32 miles of rail line between Dayton and Cleveland in Liberty County, Texas. At the meeting, SEA was provided with an overview of the project and viewed maps and photographs of the area surrounding the proposed rail line. SEA also presented an overview of the Board's environmental review process, SEA's role in the process, and the use of third-party consultants.

Following the meeting, the applicant retained Jacobs Carter Burgess (C-B) as an independent third party consultant that will work solely under SEA's direction, supervision and control throughout the environmental review for this proceeding. A Memorandum of Understanding was executed by the applicant, C-B and SEA in September, 2007. Consultation letters were then sent out to interested federal, state and local agencies, requesting information on any environmental or historic concerns associated with the project. On December 18, 2007, a site visit took place, with Danielle Gosselin of my staff, C-B and the applicant.

At this time, a waiver of the six month prefiling notice is not necessary because the initial meeting took place over six months ago, and the environmental review process has already begun. However, we appreciate that you documented your waiver request in writing. We will place your letter in the file, and it will be included in the public record.

If we can be of further assistance, please do not hesitate to contact me or Danielle Gosselin at (202) 245-0300.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson

Chief

Section of Environmental Analysis